

## REMARKS

The present application currently has five (5) claims, with Claim 1 being an independent claim. All claims stand rejected.

### **35 U.S.C. § 112:**

The Advisory Action stated that all Section 112 rejections were withdrawn other than with respect to Claim 4. Claim 4 has been cancelled.

### **35 U.S.C. §103:**

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Design Patent No. 168,932 to Frydlender in view of U.S. Patent No. 2,858,558 to Sudbeaz or U.S. Design Patent No. 293,944 to Trabattoni. Frydlender was described as showing a bottle having a regular polygon with each angle rounded off in an arc and with the cross-sectional shapes having the same shape in any portion. Sudbeaz and Trabattoni taught that it was known to make a bottle from either plastic or glass.

In response to the last office action, the Applicant pointed out that Frydlender is not a bottle with a neck and shoulders. Rather, Fig. 1 shows an extended block that is twisted from top to bottom. In response, the Examiner stated that the neck and shoulders are shown when the closure is removed as in Fig. 2. Although the Applicant continued to traverse the rejection, the Advisory Action stated that the art rejection stands.

In response, the Applicant has amended Claim 1 to recite that the cross-sectional shape of the body rotates symmetrically around the central axis from the bottom to the neck. The bottle of Figs. 1, 3, and 4 of Frydlender does not have a neck. The bottle of Fig. 2 does have a neck, but the rotation is not symmetrically in that the rotation does not finish below the neck. Rather, the rotation continues into the cap. The combination of complete symmetry and the neck provides the stacking load capacity and compression strength while also providing ease of access. The Applicant therefore asserts that independent Claim 1, and the dependent claims thereon, are patentable over the cited references.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Design Patent No. 520,374 to Herrmann, et al. over U.S. Design Patent No. 328,432 to O'Riley. The Applicant respectfully traverses the rejection for the reasons described above.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Patent No. 5,928,742 to Sugiura. The Applicant respectfully traverses the rejection for the reasons described above.

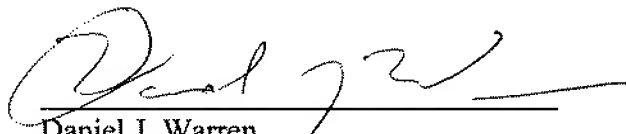
Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Patent No. 5,238,129 to Ota or U.S. Design Patent No. 318,422 to Rumney. The Applicant respectfully traverses the rejection for the reason described above.

### CONCLUSION

The Applicant believes that it has responded to each matter raised in the office action.  
Any questions may be directed to the undersigned at 404.853.8028.

Dated: June 22, 2007

Respectfully submitted,

  
Daniel J. Warren  
Reg. No. 34,272

**SUTHERLAND ASBILL & BRENNAN LLP**

999 Peachtree Street, N.E.  
Atlanta, Georgia 30309-3996  
(404) 853-8000  
(404) 843-8806 (Facsimile)  
daniel.warren@sablalaw.com

SAB Docket No. 25040-1611